



#14 DAS

PTO/SB/61 (10-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)  
HQ 202

First named inventor: Karsten Brauer

Group Art Unit: 1731

Application Number: 08/897,713

Examiner: S. Vincent

Filed: 7/21/97

Title: PROCESS AND APPARATUS FOR THE PRODUCTIONS OF A  
CYLINDRICAL COMPONENT OF GLASS

Attention: Office of Petitions  
Assistant Commissioner for Patents

Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

**1. Petition fee**

☐ small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

☒ other than small entity - fee \$ 110 (37 CFR 1.17(l)).

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of \_\_\_\_\_ Amendment \_\_\_\_\_ (identify the type of reply):

- ☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

01/07/2003 SLUANG1 00000009 08897713

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110.00 OP

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OFFICE OF PETITIONS



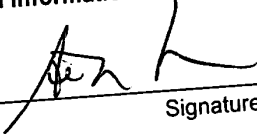
**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity of \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).
4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

12/31/02  
Date

Telephone  
Number: (914) 949-3100

  
Signature

Steven M. Hoffberg  
Typed or printed name

10 Bank Street - Suite 460  
Address

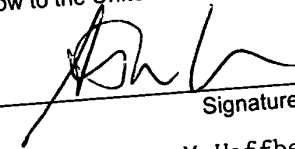
White Plains, NY 10606

- Enclosures: ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unavoidable delay
- ☐ \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

- I hereby certify that this correspondence is being:
- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

12/31/02  
Date

  
Signature

Steven M. Hoffberg  
Typed or printed name of person signing certificate



HQ 202

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Karsten Bräuer, et al.  
Serial No. : 08/897,713  
Filed : July 21, 1997  
For : PROCESS AND APPARATUS FOR THE PRODUCTION OF A  
CYLINDRICAL COMPONENT OF GLASS  
Group Art Unit : 1731  
Examiner : S. Vincent

December 31, 2002

Hon. Commissioner of Patents  
and Trademarks  
Washington, DC 20231

DECLARATION OF STEVEN M. HOFFBERG  
IN SUPPORT OF PETITION TO REVIVE UNAVOIDABLY  
ABANDONED PATENT APPLICATION

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OFFICE OF PETITIONS

Dear Sir:

Applicant's records for this case do not show any evidence of receipt of an Office Action dated June 15, 1999. It was believed by Applicants around that time, that Applicant's Response to Office Action mailed April 19, 1999, and apparently received on April 22, 1999, was a sufficient response to the outstanding Office Action dated March 18, 1999, and Office Action dated September 2, 1998.

Because the Office Action dated June 15, 1999 was apparently not received, no response thereto was submitted. Apparently, the Notice of Abandonment dated October 1, 1999 was also

not received by our office.

Applicants have included a copy of a manually maintained record card relating to this case, which is used to record the existence of outstanding requirements from the U.S. Patent & Trademark Office, as well as the respective due date. Applicant's electronic records, which constitute a parallel docket system, are generally updated and no archive copy is maintained, however, a review of printed documents from around this time period did not reveal any outstanding requirement. Any such requirement would have been brought to the attention of the responsible attorney. It is our office policy to docket U.S. Patent and Trademark Office correspondence immediately upon receipt, which is then distributed to the responsible attorney for further review and action. The failure to indicate both of these Actions on the manually printed card indicates that these were not received in the normal course of business. A review of our records for the physical correspondence also failed to reveal any such records.

The attorney originally in charge of this application, Mr. Kenneth E. Macklin, is now deceased. However, our office generally maintains all of his patent files.

It is, therefore, respectfully submitted that the application became unavoidably abandoned as a result of failure to receive the correspondence dated June 15, 1999, and Applicants delay in seeking to revive this application was a result of failure to receive the Notice of Abandonment dated October 1, 1999.

It is unclear how, and indeed quite surprising, that two consecutive correspondence in this case, apparently accurately addressed, would fail to be received by our offices, and indeed our records of other cases appear to indicate a low incidence of misdirected or otherwise not received correspondence. Notwithstanding, it is respectfully submitted that both of these documents, if

properly received by our office, would have been opened by our firm staff and properly docketed, including making an entry on the manual card entry system and electronic docket system prior to distribution to Mr. Macklin, and therefore, no explanation is available from us regarding the ultimate disposition of these documents.

We believe it would be unfair and unjust to penalize our client by holding abandonment of this application under these circumstances, and respectfully request that Applicants Petition to Revive the application be granted.

Respectfully submitted,



Steven M. Hoffberg  
Reg. No. 33,511

MILDE & HOFFBERG, LLP  
10 Bank Street – Suite 460  
White Plains, NY 10606

(914) 949-3100



HQ 202 FEB ~~Pat~~

Filed: 7-21-97 SN 08/897 713

Issued:

Paper to clat 7-7-97 mailed

Ign. Fily Due: 7-19-97 7-18-97

Dec + POA Due: 9-21-97 (see pad already)

IDS: 10-21-97 2-11-98 10-10-97

File Due: 11-30-98 11-30-98

Supp. Rly. needed 12-1-98

Resp to Comm: 4-18-99 4-19-99

compared and verified with original

12/21/02

ABM HLT

Ky 33,511



HQ 202 FEB ~~Pat~~  
Filed: 7-21-97 SN 08/897713

Issued:

Paper to clat 7-7-97  
Agm July Due: 7-19-97 <sup>mailed</sup> 7-18-97  
Dec + POA Due: 9-21-97 <sup>(see 2nd already)</sup>  
IDS: 10-21-97 3-11-98 10-10-97  
Full Due: 11-30-98 11-30-98  
Supp Pll needed 12-1-98  
Resp to Comm: 4-18-99 4-19-99

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